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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,267	12/29/2000	George A. Durden	36968/198825	1224

38516   7590   04/20/2006

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ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/752,267	DURDEN ET AL.
	Examiner	Art Unit	
	Johnny Ma	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 January 2006_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-11, 13-17 and 19-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-7, 9-11, 13-17, 19-22 and 24-33_ is/are rejected.

7)☒ Claim(s) _8 and 23_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _1/10/06_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-7, 9-11, 13-17, 19-22, and 24-33 have

been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

3.   Claims 1, 2, 30, and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. Claims 1 and 30 recite "receiving a data tag with the programming, the data

tag comprising control data relating to the programming, the data tag added to an end of a

program." Claims 2 and 31 recite "the data tag comprises an ASCII character that prevents

display of the data tag in the program." However, Applicant's specification only discloses

"[t]ags may be inserted into a variety of places in the program data. A new data field could be

created to accommodate the tags or the tags could be added to an existing EPG data field such as

the program description…For instance, the tag could be encoded as an ASCII text string and

added to the end of a program's description. The STB application would recognize the tag and

act on its instructions. However, the STB application would not display the actual tag string to

the subscriber when the subscriber displays the program description" (Specification, pg. 9, lines

4-11). However, for the purpose of examination, the Examiner will interpret the claims 1 and 30

to read "receiving a data tag with EPG data, the data tag comprising control data relating to the

programming, the data tag added to an end of a program description field in electronic

programming guide data," as argued by Applicant (see Remarks, pg. 10), and claims 2 and 31 to

read "the data tag comprises an ASCII character that prevents display of the data tag in the

program description."

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1-2, 5-6, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Iki et al. (US 6,008,802 of record) in further view of Shoff et al. (US 6,240,555 of record)

and Rzeszewski et al. (US 5,917,481 of record).

As to claim 1, note the Iki et al. reference teaches a method and apparatus for

automatically performing a function based on the reception of information corresponding to

broadcast data. The claimed "receiving programming" is met by "system 100 can be configured

to receive media input from a wide variety of sources. In one embodiment, for example, system

100 receives programming input from any or all of the following sources: cable broadcast 124,

satellite broadcast 126 (e.g., via a satellite dish), very high frequency (VHF) or ultra high

frequency (UHF) radio frequency communications of television broadcast networks and radio

stations 134 (e.g., via an aerial antenna), and/or telephone/computer network interface 128.

Telephone/computer network interface 128 includes, but is not limited to, telephone network

broadcast input and modem communications. Further, it will be appreciated by one skilled in the

art, that cable broadcast input 124, satellite broadcast input 126, VHF/UHF input 134, and

telephone/computer network interface 128 may beneficially receive input from digital broadcast

programming and digital cable programming, such as, but not limited to, digital TV" (Iki 3:57-

4:6). The claimed "receiving a data tag with the programming, the data tag comprising control

data relating to the programming" is met by "[r]eceiver 205 continually receives information

corresponding to broadcast data in block 305. In decision block 310, control logic 210 compares

the information to target data until it determines that at least a portion of the information matches

at least a portion of the target data. If there is a match, control logic 210 accesses programming

guide 215 in block 320. In block 330, control logic 210 then identifies a predetermined function

based on the accessing, and performs the predetermined function in block 340. The process is

repeated each time a match is determined" (Iki 4:47-58) wherein "data tags" within the broadcast

information are compared to target data to determine when to perform a predetermined function.

Further note, the Iki et al. reference teaches the information used by system controller 104 to

identify a predetermined function "can be in the form of subsidiary information or hidden

information such as closed caption text, stock quotes, time and temperature, the title, rating, and

elapsed time of a currently running program, and a variety of other embedded signals" (Iki 2:56-

65). Although the Iki et al. reference discloses a plurality of information sources, comprising

data tags, for identifying when to perform a predetermined function, the Iki et al. reference does

not specifically disclose that the data tag is added to an end of a program description in a

electronic programming guide. Now note the Shoff et al. reference that discloses an interactive

entertainment system for presenting supplemental interactive content together with continuous

video programs. The claimed "the data tag added to an end of a program [description of an

electronic programming guide]" is met by the target specification (data tag) added to the end of

the network name (program description) as illustrated in Figure 3 (Shoff) and wherein "the target

specification [may be placed] within the same data record as the program title and other

information for a particular program. It is further noted that the target resources can be

embedded within other text-based data held in other data fields 50 which also relate to the

corresponding programs" (Shoff 6:61-67). Therefore, the examiner submits that it would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify the

Iki et al. extraction of data tags from broadcast information with the Shoff et al. data tags at the

end of a program description of an electronic programming guide for the purpose of providing a

data tags to a user receiver in a readily accessible and centralized manner wherein the controller

can quickly identify whether a predetermined function should be performed by checking a single

data location. Note, the Shoff et al. reference discloses "[t]he data records stored at the headend

on the EPG server are transmitted periodically in batch , or individually, and cached at the local

EPG" (Shoff 7:3-5). However, the Shoff et al. reference does not specifically disclose how the

received EPG data is processed, "stripping the data tag from the programming." Now note the

Rzeszewski et al. reference that discloses an electronic television program guide with selective

updating. The Rzeszewski et al. reference discloses stripping the program guide data from the

programming wherein "the electronic TV program guide information is encoded according to a

predetermined format, then broadcast in some portion of the video/audio broadcast. In one

approach, the program data is encoded in the vertical blanking interval (VBI) of one or more

stations. Thus, the decoder 16 may be a VBI decoder that decodes TV program data from the

VBI of one or more channels" (Rzeszewski 4:17-26). Therefore, the examiner submits that it

would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify the Iki et al. and Shoff et al. receipt of electronic programming data with the Rzeszewski

et al. extracting the electronic programming guide from the VBI for the purpose of providing a

well known method of providing the EPG data to the user over the same network as

programming data while conserving bandwidth for the transmission of more program choices.

Note, the claimed "stripping the data tag from the programming" is met by the Iki et al., Shoff et

al. and Rzeszewski et al. combination as discussed above wherein the electronic programming

guide data comprising a data tag is stripped from programming. The claimed "communicating

the control data to a consumer electronics device" is met by communicating commands to

consumer electronics devices such as dimming lights, controlling a stereo system, etc. (Iki 4:7-

29).

As to claim 2, the claimed "wherein the data tag comprises an ASCII character that

prevents display of the data tag in the program [description]." Note the Iki et al. reference

teaches data tags may comprise hidden information. The Shoff et al. reference teaches that the

data tag comprises ASCII characters (Figure 3, data field 18) which are not displayed in the

program description (Shoff 8:35-51). However, the Iki and Shoff combination does not

specifically disclose an ASCII character that prevents display of the data tag in the program

description. Nevertheless, the examiner gives Official Notice that it is notoriously well known in

the art of scripting to use ASCII characters to prevent the display of certain data and/or

formatting display, such as "//" in C++ and "<???>" in HTML, for the purpose of facilitating the

formatting of a display using embedded commands. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Iki and Shoff data tag accordingly for the above stated advantage.

As to claim 5, the claimed "wherein the data tag begins and ends with a predetermined ASCII character" is met by the Iki et al. and Shoff et al. combination wherein the data tags comprise ASCII characters as illustrated in Figure 3, the target specifications begin and end with predetermined ASCII characters in that the target specifications, comprising ASCII characters, are inherently predetermined by virtue of their existing in the EPG data structure (Shoff).

As to claim 6, note the Iki and Shoff combination teaches a data tag comprising a command. Furthermore, the Shoff et al. reference teaches timing information, associated with data tags, comprising start time offsets for the purpose of commands with the appropriate points of the program (Shoff 10:7-14). The examiner further submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Iki et al. data tags with the Shoff et al. data tag timing information including start offsets for the purpose of providing commands tailored to specific portions of programming and thus provide a more customized presentation of programming. The claimed "wherein the data tag comprises a [...] start offset" is met by the Iki and Shoff combination as discussed above. Although, the Iki and Shoff combination teaches start offsets is positive values, the combination is silent as to a start offset having a negative value to indicate the command becomes active before a start time for the program. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to use offsets comprising positive or negative values for the purpose of synchronizing content or functionality with programming according to a starting time reference point.

Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Iki and Shoff combination start offsets accordingly for the purpose of providing a user greater customization in a presentation wherein predetermined functions may be initiated prior the start of programming in addition to during the programming.

As to claim 30, please see rejection of claim 1 wherein the Iki et al. reference disclose "[t]he functionality of system controller 104 can be implemented in software and executed on a processor…" (Iki 4:35-46).

As to claim 31, please see rejection of claim 2.

As to claim 32, please see rejection of claim 6.

6.   Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iki et al. (US 6,008,802 of record) in further view of Shoff et al. (US 6,240,555 of record), Rzeszewski et al. (US 5,917,481 of record), and Proehl et al. (US 2003/0131356 A1).

As to claim 3, the claimed "wherein the data tag comprises a command to add a reminder to a calendar application." Note the Iki et al. reference teaches a predetermined function wherein a data tag comprises a command to provide an indicator to alert the user of the availability of a particular program (Iki 6:35-51). However, the Iki et al. reference does not specifically disclose that the predetermined function is to add a reminder to a calendar application. Now note the Proehl et al. reference that discloses a method and apparatus for notification on a broadcast device wherein "[w]hen the interest signal is received, step 720, indicating interest in the program, at step 725, the program information is retrieved and an entry is put in the system calendar to remind the user of the occurrence of the broadcast or the program, step 735. Thus,

when the time of broadcast of a particular program occurs, notification of the broadcast of the

program of interest is generated" (Proehl [0034]). Therefore, the examiner submits that it would

have been obvious to one of ordinary skill in the art at the time the invention was made to

modify the Iki et al. reminder with the Proehl calendar for the purpose of tracking programs of

interests and their corresponding broadcast times in order to generate reminders to the user prior

to the broadcast of the program.

As to claim 4, the claimed "wherein the data tag comprises a command to add a reminder

to an external calendar application" is met by that discussed in the rejection of claim 3 wherein

the calendar process is external to the EPG (Proehl [0032]).

7.   Claims 7 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iki et al.

(US 6,008,802) in further view of Shoff et al. (US 6,240,555 of record), Rzeszewski et al. (US

5,917,481), and Iggulden (US 6,597,405 B1 of record).

As to claim 7, note the Iki et al. and Shoff et al. combination teaches data tags comprising

commands to perform a predetermined function wherein data tags may comprise schedules for

commercial breaks and scheduling for information for commercials and promotions (Iki 6:15-

51), predetermined functions may be responsive the schedules for commercial breaks or

information for commercials and promotions. However, the Iki et al. reference is silent as to the

manner in which the commercial scheduling is conveyed. The Shoff et al. reference discloses

providing timing information according to start time offsets (Shoff 10:7-17). Therefore, the

examiner submits that it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the Iki et al. schedule of commercials with the Shoff et al. start

time offsets for the purpose of providing a well known method for conveying timing information

of commercials in relation to programming. The claimed "wherein the data tag comprises a single entry having a command with multiple pairs of start offset and a duration, with each paired start offset and duration identifying commercial programming" is met by the Iki and Shoff combination offsets for commercial breaks wherein the offsets inherently delineate a duration of a given commercial break. However, the Iki and Shoff combination is silent as to "and the command muting the commercial programming." Now note the Iggulden reference that discloses a method and apparatus for automatically identifying and selectively altering segments of a television broadcast signal in real-time. The claimed muting commercial programming is met by "[a]lthough described with reference to an exemplary system which operates to mute a television signal during commercial advertisements, almost any other desired action may alternatively be triggered...the system may change the reception channel upon detection of a commercial advertisements then return to the same channel upon completion of the advertisement or group of advertisements" (Iggulden 25:9-20). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Iki and Shoff et al. data tag for performing predetermined functions with the Iggulden muting or channel changing during commercial advertisements for the purpose of fulfilling the desire of many television viewers to have a system to help avoid viewing unwanted commercials (Iggulden 1:17-28).

As to claim 33, please see rejection of claim 7.

8.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iki et al. (US 6,008,802 of record) in further view of Shoff et al. (US 6,240,555 of record), Rzeszewski et al. (US 5,917,481), and Elam (US 6,104,423).

As to claim 9, the claimed "wherein the data tag comprises a command to mute

programming that exceeds a parental control rating." Note the Iki and Shoff combination, as

discussed in the rejection of claim 1, teaches data tags comprising commands to perform a

predetermined function that may be responsive to a program rating (Iki 2:53-67). However, the

Iki and Shoff combination is silent as to a predetermined function to mute programming that

exceeds a parental control rating. Now note the Elam reference that discloses a receiver

apparatus and method for providing conditional access to received television programs wherein

programs exceeding a parental control rating are muted (Elam 6:1-4; 6:55-64). Therefore, the

examiner submits that it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the Iki and Shoff data tags comprising commands to perform a

predetermined function with muting of programming that exceeds a parental control rating for

the purpose allowing a parent to dictate programs watched by their children and to prevent

viewing of unauthorized programming.

9.   Claims 10-11, 15-17, 20-21, and 27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Iki et al. (US 6,008,802 of record) in further view of Shoff et al. (US

6,240,555 of record).

As to claim 10, note the Iki et al. reference teaches a method and apparatus for

automatically performing a function based on the reception of information corresponding to

broadcast data. The claimed "communicating electronic program guide data via a

communications network" is met by "the contents of the programming guide can come from a

number of different sources... The information could also be downloaded automatically by

control logic 210 on a daily basis, for example, at a specified time, over a specified cable

channel. The information could also be received in real time as subsidiary information

corresponding to broadcast For example, the programming information could be updated via

the VBI, providing a schedule of segments within a corresponding program, such as the schedule

for commercial breaks, interview segments, periods of a sporting event, or the length of a music

video" (Iki 6:15-35). The claimed "communicating a data tag" and the "the data tag comprising

a command" is met by "[r]eceiver 205 continually receives information corresponding to

broadcast data in block 305. In decision block 310, control logic 210 compares the information

to target data until it determines that at least a portion of the information matches at least a

portion of the target data. If there is a match, control logic 210 accesses programming guide 215

in block 320. In block 330, control logic 210 then identifies a predetermined function based on

the accessing, and performs the predetermined function in block 340. The process is repeated

each time a match is determined" (Iki 4:47-58) wherein "data tags" within the broadcast

information are compared to target data to determine when to perform a predetermined function.

Further note, the Iki et al. reference teaches the information used by system controller 104 to

identify a predetermined function "can be in the form of subsidiary information or hidden

information such as closed caption text, stock quotes, time and temperature, the title, rating, and

elapsed time of a currently running program, and a variety of other embedded signals" (Iki 2:56-

65). Although the Iki et al. reference discloses a plurality of information sources, comprising

data tags, for identifying when to perform a predetermined function, the Iki et al. reference does

not specifically disclose that the data tag is added to an end of a program description in a

electronic programming guide. Now note the Shoff et al. reference that discloses an interactive

entertainment system for presenting supplemental interactive content together with continuous

video programs. The claimed "[a data tag that has been added to an end of a program description in the electronic program guide data" is met by the target specification (data tag) added to the end of the network name (program description) as illustrated in Figure 3 (Shoff) and wherein "the target specification [may be placed] within the same data record as the program title and other information for a particular program. It is further noted that the target resources can be embedded within other text-based data held in other data fields 50 which also relate to the corresponding programs" (Shoff 6:61-67). The claimed "[the data tag comprising] a parameter" is met by target specification corresponding to target resource includes timing information and display layout information (parameters) (Shoff 10:7-58). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Iki et al. extraction of data tags from broadcast information with the Shoff et al. data tags at the end of a program description of an electronic programming guide for the purpose of providing a data tags to a user receiver in a readily accessible and centralized manner wherein the controller can quickly identify whether a predetermined function should be performed by checking a single data location. The examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Iki et al. data tags with the Shoff et al. data tag parameters for the purpose of providing commands tailored to specific portions of programming and thus provide a more customized presentation of programming. The claimed "the command comprising an instruction to send a control instruction to a consumer electronics device" is met by communicating commands to perform the predetermined function (Iki 4:47-58).

As to claim 11, the claimed "wherein communicating the data tag comprises communicating an ASCII character that prevents display of the data tag in the program electronic programming guide data." Note the Iki et al. reference teaches data tags may comprise hidden information. The Shoff et al. reference teaches that the data tag comprises ASCII characters (Figure 3, data field 18) which are not displayed in the program description (Shoff 8:35-51). However, the Iki and Shoff combination does not specifically disclose an ASCII character that prevents display of the data tag in the program description. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art of scripting to use ASCII characters to prevent the display of certain data and/or formatting display, such as "//" in C++ and "<???>" in HTML, for the purpose of facilitating the formatting of a display using embedded commands. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Iki and Shoff data tag accordingly for the above stated advantage.

As to claim 15, the claimed "wherein communicating the data tag comprises communicating a predetermined ASCII character to denote a beginning and an end of the data tag" is met by the Iki et al. and Shoff et al. combination wherein the data tags comprise ASCII characters as illustrated in Figure 3, the target specifications begin and end with predetermined ASCII characters in that the target specifications, comprising ASCII characters, are inherently predetermined by virtue of their existing in the EPG data structure (Shoff).

As to claim 16, note the Iki et al. reference teaches a method and apparatus for automatically performing a function based on the reception of information corresponding to broadcast data. The claimed "receiving electronic program guide data" is met by "the contents

of the programming guide can come from a number of different sources...The information could

also be downloaded automatically by control logic 210 on a daily basis, for example, at a

specified time, over a specified cable channel. The information could also be received in real

time as subsidiary information corresponding to broadcast For example, the programming

information could be updated via the VBI, providing a schedule of segments within a

corresponding program, such as the schedule for commercial breaks, interview segments, periods

of a sporting event, or the length of a music video" (Iki 6:15-35). The claimed "receiving a data

tag" and the "the data tag comprising a command" is met by "[r]eceiver 205 continually receives

information corresponding to broadcast data in block 305. In decision block 310, control logic

210 compares the information to target data until it determines that at least a portion of the

information matches at least a portion of the target data. If there is a match, control logic 210

accesses programming guide 215 in block 320. In block 330, control logic 210 then identifies a

predetermined function based on the accessing, and performs the predetermined function in

block 340. The process is repeated each time a match is determined" (Iki 4:47-58) wherein "data

tags" within the broadcast information are compared to target data to determine when to perform

a predetermined function. Further note, the Iki et al. reference teaches the information used by

system controller 104 to identify a predetermined function "can be in the form of subsidiary

information or hidden information such as closed caption text, stock quotes, time and

temperature, the title, rating, and elapsed time of a currently running program, and a variety of

other embedded signals" (Iki 2:56-65). Although the Iki et al. reference discloses a plurality of

information sources, comprising data tags, for identifying when to perform a predetermined

function, the Iki et al. reference does not specifically disclose that the data tag is added to an end

of a program description in a electronic programming guide. Now note the Shoff et al. reference

that discloses an interactive entertainment system for presenting supplemental interactive content

together with continuous video programs. The claimed "[a data tag that has been added to an

end of a program description in the electronic program guide data" is met by the target

specification (data tag) added to the end of the network name (program description) as illustrated

in Figure 3 (Shoff) and wherein "the target specification [may be placed] within the same data

record as the program title and other information for a particular program. It is further noted that

the target resources can be embedded within other text-based data held in other data fields 50

which also relate to the corresponding programs" (Shoff 6:61-67). The claimed "[the data tag

comprising] a parameter" is met by target specification corresponding to target resource includes

timing information and display layout information (parameters) (Shoff 10:7-58). The claimed

"stripping the data tag from the electronic program guide data" is met by "[t]he viewer

computing unit checks the appropriate channel and time slot of the EPG data structure 48 to

determine if the program being carried on the selected channel at this time is interactive...If the

program is interactive compatible (i.e., the 'yes' branch from step 154), the viewer computing

unit retrieves [strips] the target specification from the EPG data structure (step 158 in FIG. 6)

(Shoff 9:1-29). Therefore, the examiner submits that it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the Iki et al. extraction of

data tags from broadcast information with the Shoff et al. data tags at the end of a program

description of an electronic programming guide for the purpose of providing a data tags to a user

receiver in a readily accessible and centralized manner wherein the controller can quickly

identify whether a predetermined function should be performed by checking a single data

location. The examiner submits that it would have been obvious to one of ordinary skill in the

art at the time the invention was made to further modify the Iki et al. data tags with the Shoff et

al. data tag parameters for the purpose of providing commands tailored to specific portions of

programming and thus provide a more customized presentation of programming.

The claimed "communicating the command and the parameter to a consumer electronics device"

is met by communicating commands to perform the predetermined function (Iki 4:47-58).

As to claim 17, the claimed "wherein receiving the data tag comprises receiving an

ASCII character that prevents display of the data tag in the electronic programming guide data."

Note the Iki et al. reference teaches data tags may comprise hidden information. The Shoff et al.

reference teaches that the data tag comprises ASCII characters (Figure 3, data field 18) which are

not displayed in the program description (Shoff 8:35-51). However, the Iki and Shoff

combination does not specifically disclose an ASCII character that prevents display of the data

tag in the program description. Nevertheless, the examiner gives Official Notice that it is

notoriously well known in the art of scripting to use ASCII characters to prevent the display of

certain data and/or formatting display, such as "//" in C++ and "<???>" in HTML, for the

purpose of facilitating the formatting of a display using embedded commands. Therefore, the

examiner submits that it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the Iki and Shoff data tag accordingly for the above stated

advantage.

As to claim 20, the claimed "wherein the step of receiving the data tag comprises

communicating a predetermined ASCII character to denote a beginning and an end of the data

tag" is met by the Iki et al. and Shoff et al. combination wherein the data tags comprise ASCII

characters as illustrated in Figure 3, the target specifications begin and end with predetermined

ASCII characters in that the target specifications, comprising ASCII characters, are inherently

predetermined by virtue of their existing in the EPG data structure (Shoff).

As to claim 21, note the Iki and Shoff combination teaches a data tag comprising a

command. Furthermore, the Shoff et al. reference teaches timing information, associated with

data tags, comprising start time offsets for the purpose of commands with the appropriate points

of the program (Shoff 10:7-14). The examiner further submits that it would have been obvious

to one of ordinary skill in the art at the time the invention was made to modify the Iki et al. data

tags with the Shoff et al. data tag timing information including start offsets for the purpose of

providing commands tailored to specific portions of programming and thus provide a more

customized presentation of programming. The claimed "the data tag comprises receiving [...] a

start offset" is met by the Iki and Shoff combination as discussed above. Although, the Iki and

Shoff combination teaches start offsets is positive values, the combination is silent as to a start

offset having a negative value to indicate the command becomes active before a start time for the

program. Nevertheless, the examiner gives Official Notice that it is notoriously well known in

the art to use offsets comprising positive or negative values for the purpose of synchronizing

content or functionality with programming according to a starting time reference point.

Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify the Iki and Shoff combination start offsets

accordingly for the purpose of providing a user greater customization in a presentation wherein

predetermined functions may be initiated prior the start of programming in addition to during the

programming.

As to claim 27, the claimed "further comprising communicating the electronic program guide data to the consumer electronics device" is met by that discussed in the rejection of claim 16 wherein the electronic program guide data is communicated to control logic.

10.   Claims 13-14, 19, 25-26, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iki et al. (US 6,008,802 of record) in further view of Shoff et al. (US 6,240,555 of record) and Proehl et al. (US 2003/0131356 A1).

As to claim 13, the claimed "wherein communicating the data tag comprises communicating a reminder to a calendar application." Note the Iki et al. reference teaches a predetermined function wherein a data tag comprises a command to provide an indicator to alert the user of the availability of a particular program (Iki 6:35-51). However, the Iki et al. reference does not specifically disclose that the predetermined function is to add a reminder to a calendar application. Now note the Proehl et al. reference that discloses a method and apparatus for notification on a broadcast device wherein "[w]hen the interest signal is received, step 720, indicating interest in the program, at step 725, the program information is retrieved and an entry is put in the system calendar to remind the user of the occurrence of the broadcast or the program, step 735. Thus, when the time of broadcast of a particular program occurs, notification of the broadcast of the program of interest is generated" (Proehl [0034]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Iki et al. reminder with the Proehl calendar for the purpose of tracking programs of interests and their corresponding broadcast times in order to generate reminders to the user prior to the broadcast of the program.

As to claim 14, the claimed "wherein communicating the data tag comprises

communicating a command to add a reminder to an external calendar application" is met by that

discussed in the rejection of claim 3 wherein the calendar process is external to the EPG (Proehl

[0032]).

As to claim 19, the claimed "wherein receiving the data tag comprises receiving a

reminder for a calendar application." Note the Iki et al. reference teaches a predetermined

function wherein a data tag comprises a command to provide an indicator to alert the user of the

availability of a particular program (Iki 6:35-51). However, the Iki et al. reference does not

specifically disclose that the predetermined function is to add a reminder to a calendar

application. Now note the Proehl et al. reference that discloses a method and apparatus for

notification on a broadcast device wherein "[w]hen the interest signal is received, step 720,

indicating interest in the program, at step 725, the program information is retrieved and an entry

is put in the system calendar to remind the user of the occurrence of the broadcast or the

program, step 735. Thus, when the time of broadcast of a particular program occurs, notification

of the broadcast of the program of interest is generated" (Proehl [0034]). Therefore, the examiner

submits that it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the Iki et al. reminder with the Proehl calendar for the purpose of

tracking programs of interests and their corresponding broadcast times in order to generate

reminders to the user prior to the broadcast of the program.

As to claim 25, the claimed "wherein the step of receiving the data tag comprises

receiving a command to add a reminder to an external calendar application" is met by that

discussed in the rejection of claim 3 wherein the calendar process is external to the EPG (Proehl [0032]).

As to claim 26, the claimed "further comprising setting a reminder for a calendar application and communicating the reminder to the consumer electronics device" is met by that discussed in the rejection of claim 19 wherein the reminder is displayed on user display as illustrated in Figure 11 (Proehl).

As to claims 28 and 29, please see rejection of claim 19.

11.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iki et al. (US 6,008,802 of record) in further view of Shoff et al. (US 6,240,555 of record) and Iggulden (US 6,597,405 B1 of record).

As to claim 22, note the Iki et al. and Shoff et al. combination teaches data tags comprising commands to perform a predetermined function wherein data tags may comprise schedules for commercial breaks and scheduling for information for commercials and promotions (Iki 6:15-51), predetermined functions may be responsive the schedules for commercial breaks or information for commercials and promotions. However, the Iki et al. reference is silent as to the manner in which the commercial scheduling is conveyed. The Shoff et al. reference discloses providing timing information according to start time offsets (Shoff 10:7-17). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Iki et al. schedule of commercials with the Shoff et al. start time offsets for the purpose of providing a well known method for conveying timing information of commercials in relation to programming. The claimed "he data tag comprises receiving a single entry having a command with multiple pairs of

start offset and a duration, with each paired start offset and duration identifying commercial

programming" is met by the Iki and Shoff combination offsets for commercial breaks wherein

the offsets inherently delineate a duration of a given commercial break. However, the Iki and

Shoff combination is silent as to "and the command muting the commercial programming."

Now note the Iggulden reference that discloses a method and apparatus for automatically

identifying and selectively altering segments of a television broadcast signal in real-time. The

claimed muting commercial programming is met by "[a]lthough described with reference to an

exemplary system which operates to mute a television signal during commercial advertisements,

almost any other desired action may alternatively be triggered... the system may change the

reception channel upon detection of a commercial advertisements then return to the same

channel upon completion of the advertisement or group of advertisements" (Iggulden 25:9-20).

Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify the Iki and Shoff et al. data tag for performing

predetermined functions with the Iggulden muting or channel changing during commercial

advertisements for the purpose of fulfilling the desire of many television viewers to have a

system to help avoid viewing unwanted commercials (Iggulden 1:17-28).

12.   Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iki et al. (US

6,008,802 of record) in further view of Shoff et al. (US 6,240,555 of record) and Elam (US

6,104,423).

As to claim 24, the claimed "wherein the step of receiving the data tag comprises a

receiving a command to mute programming that exceeds a parental control rating." Note the Iki

and Shoff combination, as discussed in the rejection of claim 16, teaches data tags comprising

commands to perform a predetermined function that may be responsive to a program rating (Iki

2:53-67). However, the Iki and Shoff combination is silent as to a predetermined function to

mute programming that exceeds a parental control rating. Now note the Elam reference that

discloses a receiver apparatus and method for providing conditional access to received television

programs wherein programs exceeding a parental control rating are muted (Elam 6:1-4; 6:55-64).

Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify the Iki and Shoff data tags comprising

commands to perform a predetermined function with muting of programming that exceeds a

parental control rating for the purpose allowing a parent to dictate programs watched by their

children and to prevent viewing of unauthorized programming.

Allowable Subject Matter

13.   Claims 8 and 23 are objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base claim

and any intervening claims.

14.   The following is a statement of reasons for the indication of allowable subject matter: the

prior art alone or in combination does not disclose or reasonably suggest wherein the data tag

comprises a command to mute a ringer on a telephone device.
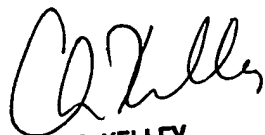
Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The

examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm

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